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E.O. 12958: N/A
TAGS: ECON EAGR ETRD TBIO SF
SUBJECT: SOUTH AFRICA: PRODUCT SAFETY

REF: STATE 114788

¶1. In response to reftel, emboffs spoke with the South Africa Bureau of Standards, Department of Trade and Industry, International Trade Administration Commission of South Africa, South Africa Revenue Service and the Department of Health's (DOH) Directorate of Food Control regarding food and consumer product safety. The DOH expressed an interest in further discussion on this topic. South Africa's current procedures for product safety are highlighted below. Post will continue to follow up with key officials in these departments to continue a dialogue on this issue.

Food Safety

¶2. South Africa has a well-developed commercial agriculture and food production system. Food Safety is regulated under at least fourteen government acts that are administered and enforced by several government authorities and assignees at the national, provincial, and municipal levels. The Department of Health (DOH) is the primary food safety/control regulatory body, but coordinates closely with the National Department of Agriculture (NDA). South Africa's agricultural and food exports generally meet international standards. In addition to DOH and NDA, South Africa's exports must also meet standards established by South African Bureau of Standards and the Perishable Products Export Control Board with guidance from industry working groups.

¶3. South Africa is a relatively minor supplier of agricultural and food products to the United States. In 2006, U.S. imports of South African ag/food products were valued at 203 million USD, with seafood adding an additional 31 million USD. (Total U.S. ag/food imports last year were valued at 65.3 billion USD.) Nearly 80 percent of the South African ag/food products imported by the United States are "consumer-oriented food items", predominantly fresh fruit (67 million USD) and wine (42 million USD). Other major products include processed fruits and vegetables, including juices (21 million USD), sugar (20 million USD), and tree nuts (13 million USD). USDA works closely with South African exporters with regard to meeting U.S. plant and animal health standards.

Consumer Product Safety

¶4. South Africa is in the process of fine tuning its consumer and product safety regulatory systems. Product safety is governed by several regulatory agencies depending on the product. The South African Bureau of Standards (SABS) is the lead agency for public safety and consumer protection issues and is responsible for enforcement of compulsory minimum standards for the safety and performance of selected

products that are considered inherently risky. SABS standards, which are aligned with international standards when possible, cover products such as vehicles, electrical and electronic goods and components, chemicals, foods, and weapons. Compulsory standards are applicable to all locally manufactured products, imported products, and products destined for export. SABS enforces the compulsory standards through physical audits, market surveillance, and manufacturing plant inspections. SABS has authority to issue sanctions ranging from cancellation of the sale of non-conforming products to destruction and prosecution.

¶15. The range of covered products can also be extended through a request to SABS with a subsequent assessment as to the dangers of the product to the public. Other categories of products are regulated by various agencies, such as food products mentioned above, pharmaceuticals, which are governed by the Department of Health's Medicine Control Council, and fuel, oil and power products, which are regulated by the Department of Minerals and Energy.

¶16. The majority (60 percent) of SA exports to the U.S. are not consumer or food products, but consist of base metals, precious stones, and other mining related items. Most of the consumer products that were exported to the U.S. last year fall within those categories monitored by SABS. Manufactured products are 38 percent of SA's exports to the U.S. valued at 15.6 billion rand (2.2 billion USD). Vehicles constitute 11 percent, chemical exports another 8 percent, and mechanical an electrical appliances 7 percent.

¶17. Products that fall outside of SABS or other regulatory agencies' purview are not regulated or standardized for safety concerns. For example, defective toy products that have been recent subject of recalls in the U.S. are not governed by any regulations. A draft Consumer Protection Bill (CPB) is in the middle of the legislative process, but due to delays and re-drafts, it likely will not be approved until latter 2008. The CPB is designed to impose an obligation on manufacturers to ensure safe products and includes mechanisms for consumers to seek redress for manufacturing defects, a process for product recalls. The CPB will also create a National Consumer Council to monitor consumer products in the market. In addition, a draft Regulator for Compulsory Specification Bill is currently before Parliament, which would enable SABS to be more flexible in the application of standards (i.e., making exceptions for locally manufactured products being exported to countries with varying standards).

Areas For Dialogue

¶18. South Africa faces many of the same concerns as the United States with regard to the safety of food and consumer product imports and may be willing to be a useful partner both bilaterally and multilaterally on the safety of these imports. Compared to the rather rigorous standards for domestically produced food products and products destined for the export market, we believe that South Africa's controls over food imports are relatively weak. In recent years, South Africa has encountered food safety problems related to chemicals, antibiotics and other contaminants in imported food products. The limited range of consumer products governed by regulations is also an area in which a partnership may help to enhance overall consumer protection with both imported and exported products. The DOH has already expressed a shared interest in pursuing further discussions. Should SA be interested in pursuing potential cooperative programs, post would be interested in knowing if there are practical resources available to engage SA.

Teitelbaum